

APPENDIX D – Equality Assessment

| | |
|-------------------------------|--|
| Title | Review Of Council Run Day Care (Day Nurseries) |
| Reference No | EQUA66 |
| EA is in support of | Amended Function |
| Review Frequency | Six Months |
| Date of first review | 30/01/2019 |
| Directorate | Children and young people |
| Division | People |
| Service Area | Children - Early Years Service |
| Responsible Officer(s) | <u>Chris N. Atkins</u> |
| Quality Control Officer(s) | <u>Simon J Field</u> |
| Accountable Officer(s) | <u>Lindsey Trivett</u> |
| Initial impact assessment | <p>Birmingham City Council (BCC) day care provision operates out of fourteen sites across Birmingham, and provides a range of fee-paying and Early Education Entitlement (EEE) funded places for children under 5. The Nurseries are staffed by 120 staff. 70 of these are employed directly through BCC, 18 by schools and the remainder(32) by Spurgeons and South and City College. The Nurseries have had the following deficits over the last three years; 2015/16=£688,695 2016/17 = £638,719 2017/18= £712,809. These deficits have been previously funded from a centrally held sustainability pot and from the trajectory grant for 2 year olds which was fully utilised. These resources were not available to fund the shortfall in 2017/18.</p> <p>Nursery fees were increased in January 2017 from the previous rate of £170 per week to a three tier fee structure of £200 per week for under two's; £109 per week for two to three year olds; and £180 per week for over threes.</p> <p>A reduction in funding available in Early Years led to a strategic decision to try and improve the operation and viability of the nurseries, through a review of the current business and the development of future models of delivery as part of an overall service redesign. The review that has been undertaken has taken account of the current occupancy levels, financial positions, potential increases in occupancy and income, and restructuring of the staff teams. This generated a number of proposed models for each of the fourteen nurseries that showed if and when any of the nurseries might reach a financial break even position. Where break-even is not possible consideration around the closure of some or all of the nurseries that are no longer viable or sustainable has been considered.</p> |
| Protected characteristic: Age | Service Users / Stakeholders; Employees |
| Age details: | <p>HOW THE FUNCTION MEETS THE NEEDS OF INDIVIDUAL AGES</p> <p>Day nurseries meet the needs of the under-fives by providing day care places for this age range. The proposed changes to the provision of nursery</p> |

day care would impact on children aged under five years and their families. However there are over 1000 Private Voluntary and Independent (PVI) and school settings in Birmingham offering day care to children under five. The recent 'Annual Childcare Sufficiency Report produced by BCC in March 2018 has identified that there is a general oversupply of part time equivalent (PTE) day care places for the under-fives, with relatively few wards in the city having a gap in places. In addition there is a general oversupply of (PTE) two year old early education entitlement (EEE) places also with relatively few wards in the city having a gap. There are generally vacancies across all sectors for 2, 3, and 4 year EEE places.

The age range of employees in this service ranges from 22 years to 69 years old, with 40% of the workforce between 20 and 40 years old and a further 40% between 41 and 55 years old. 20% of the workforce is between 56 and 69 years old.

EVIDENCE:

BCC Annual Childcare Sufficiency report March 2018

BCC (Nursery Managers)

Spurgeons (Nursery Managers)

South and City College (Nursery Manager)

Employee data is collected from BCC's people solutions/HR, and from personnel section of external organisations.

COMMENT:

All day nurseries/ under-fives provision are registered with Ofsted. BCC also records number of PVI settings providing day care across the city. There would be mitigation in relation to the impact for services users as there are generally vacancies across 2, 3, and 4 year old EEE places.

HOW DID WE OBTAIN THESE VIEWS?

The preparation of this equality impact analysis obtained management and human resources information as well as undertaking a consultation to obtain the views of parents, carers, professionals and the general public. Consultation was carried from 18 January 2018 until 23th March 2018, a questionnaire was launched on the councils "Be Heard" consultation portal. A face to face event was held with providers on 15th March 2018, where twenty three providers attended and gave their views. Hard copies of the questionnaire were also made available at every day nursery and entered on to the "Be heard" on behalf of those stakeholders who do not have access to IT. Consultation feedback was also gathered via emails and phone calls to area managers and included in the consultation report. Face to face events were held at the following day nursery locations; date name of nursery and numbers that attended the events outlined below:

18.01.18 Birchfield DN 17

22.01.18 Golden start DN 30

23.01.18 Cherry tree DN 11

26.01.18 Lime tree DN 33
 30.01.18 Oakland's park DN 20
 01.02.18 Reameadow DN 19
 06.02.18 St Benedict's DN 16
 07.02.18 Summerfield DN 40
 13.02.18 Bertram DN 13
 31.01.18 Park Road DN 16
 24.01.18 Kitts Green 24
 05.02.18 Soho DN 32
 08.02.18 Sunshine DN 7
 12.02.18 Ladywood DN 7

FURTHER ACTION REQUIRED : When the final decisions have been made by Cabinet a further review of the current sufficiency data will be undertaken to ensure that the sufficiency outcome as outlined in the March 2018 sufficiency report remains the same across the city as this can vary on a termly basis.

Protected
 characteristic:
 Disability

Service Users / Stakeholders; Employees

Disability details:

8% of children attending the fourteen day nurseries have a disability, with a further 1% waiting for assessment or referral. The day nurseries work routinely work in partnership with statutory and non-statutory organisations to provide support to children with disabilities and their families.

It is to be noted that under the Equality Act 2010 the needs of children still need to be met within any setting providing services for children with a disability. Also all providers in receipt of government funding must have regard to the Special Education Needs (SEN) code of practice, and all providers must have and implement an effective policy ensuring equality of opportunities which supports children with learning difficulties and disabilities, as outlined with the Early Years Foundation Years framework. The assessment therefore is that all organisations providing day care places for children under 5 with a disability, would have a duty to work in partnership with parents and carers, statutory and non-statutory organisations to provide support and services to provide services to these children and families as a result if the day nurseries were to close, impact of closure would be minimised. In addition, any support required in relation to transition to another setting would be sensitively managed , and early years managers would work proactively with PVI' s, parents and local SENCO officers, to ensure that children are able to access alternative provision.

4% of employees have stated they have a disability; this will need to be considered as part of any redeployment or redundancy process. It is to be noted that 78% of employees have not indicated whether or not they have a disability. Employees would be subject to robust policies and procedures

if redundancy were a consideration.

EVIDENCE:

Early Years' Service,
Statutory Framework for EYFS
BCC day nurseries(People Solutions)
Spurgeons (HR)

DISABILITY CONSULTATION

FURTHER ACTION REQUIRED - When the final decisions have been made by cabinet a review of sufficiency data will be undertaken to ensure that the sufficiency outcome as outlined in the March 2018 sufficiency report remains the same.

ADDITIONAL WORK

Do you think that the Function has a role in preventing individuals with a disability being treated differently, in an unfair or inappropriate way, just because of their disability - **YES**

Do you think that the Function could help foster good relations between persons who share the relevant protected characteristic and persons who do not share it? - **YES**

Do you think that the Function will take account of disabilities even if it means treating individuals with a disability more favourably? - **YES**

Do you think that the Function could assist individuals with a disability to participate more? - **YES**

Do you think that the Function could assist in promoting positive attitudes to individuals with a disability? - **YES**

Protected Employees

characteristic: Gender

Gender details:

98% of employees are female, so would be disproportionately impacted by proposals, however all employees will be subject to BCC policies and procedures for those at risk of redundancy, therefore would have access to priority movers/Talent link service.

Do you have evidence to support the assessment? **Yes**

Please record the type of evidence and where it is from? BCC HR/People Solutions information and Spurgeons HR

You may have evidence from more than one source. If so, does it present a

| | |
|---|--|
| | consistent view? YES |
| Protected characteristics: | Not Applicable |
| Gender | |
| Reassignment | |
| Gender reassignment details: | |
| Protected characteristics: | Not Applicable |
| Marriage and Civil Partnership | |
| Marriage and civil partnership details: | |
| Protected characteristics: | Not Applicable |
| Pregnancy and Maternity | |
| Pregnancy and maternity details: | |
| Protected characteristics: Race | Service Users / Stakeholders; Employees |
| Race details: | <p>As outlined below over 63% of service users attending the fourteen day nurseries is Asian/British Asian, with the next largest ethnic group being Black African/Caribbean/Black British. Although this number is high it is reflective of the communities in which the day nurseries are located. The council's sufficiency report highlights that overall there is generally an oversupply of places across the city, therefore the assessment is that the needs of children from these groups would be met as there would be enough day nurseries to meet needs. All day nurseries are required under the Statutory Early Years Foundation Stage framework to ensure children's individual needs and interests are considered and respected as part of their service.</p> |

The data below shows the race of the children attending the fourteen council run day nurseries:

Asian/Asian British 434 (63%)
Black African/Caribbean/Black British 98 (14%)
Mixed/multiple ethnic groups 72 (10%)
White: English/Welsh/Scottish/Northern Irish/British 59 (9%)
Other White background 24 (3%)
Not known 6 (1%)
Total 693 100%.

The data below show the race of employees of the fourteen council run day nurseries:

Asian/Asian British 25 (25%)
Black African/Caribbean/black British 10 (10%)
Mixed multiple ethnic groups 3 (3%)

White/English/Welsh/Scottish/NI/British 37 (37%)
Other ethnic groups 8 (8%)
Unknown 16 (16%)
Total 99

All employees will be subject to BCC policies and procedures if redundancy were to be a consideration.

EVIDENCE:

Day nursery records held by BCC, Spurgeons, and South and City College.
Employee data was gathered from BCC People Solutions database and from Spurgeon HR

Do you have evidence to support the assessment? YES

Protected
characteristics:
Religion or Beliefs
Religion or beliefs
details:

Service Users / Stakeholders; Employees

67% of service users attending the fourteen day nurseries are Muslim; although this number is high it is reflective of the communities in which the day nurseries are located. The council's sufficiency report highlights that overall there is generally an oversupply of places across the city, therefore the assessment is that the needs of children from these groups would be met as there would be enough day nurseries to meet needs. all day nurseries are required under the Statutory Early Years Foundation Stage framework to ensure children's individual needs and interests are considered and respected as part of their service.

77% of employees did not indicate their religion or belief when asked, there would not appear to be any disproportionate impact on any particular religion or belief. However employees will be subject to BCC policies and procedures if redundancy were to be a consideration.

Do you have evidence to support the assessment? **YES**

EVIDENCE:

BCC day nurseries
Spurgeons (HR)
Employee information gathered from BCC People Solutions/HR

Have you obtained the views of relevant stakeholders on the impact of the Function on individuals of different religions or beliefs. **YES**

Protected
characteristics: Sexual
Orientation
Sexual orientation

Not Applicable

details:

Consulted People or Groups

Service users parent and carers.

BCC employees

Community

Day care market

Informed People or Groups

Summary and evidence of findings from your EIA

The level of the impact for each of the applicable 'protected characteristics' will be based on the outcome of further consultation with service users and staff following the outcome of the report going to cabinet.

Staff could be significantly affected by the changes if the final recommendation was for closure; with the potential outcome for staff being redundancy.

Service users may also be affected if the nurseries were to close however, it is important to recognise that overall across the city there is an oversupply in childcare places for children under 5 across the city. When the final decisions have made by cabinet a review of sufficiency data will be undertaken to ensure that the sufficiency outcome as outlined in the March 2018 sufficiency report remains the same.

Partner's provision may experience changes as there may be an opportunity for them to expand and/or offer a new provision where there is an identified need. There may be an impact on services if they are tendered out, as new providers may want to make changes to the services delivered.

The potential impacts of closing the nurseries are :-

Loss of provision locally for children under five and their families in the named wards across Birmingham;

Accessibility of services to existing families if they are moved or relocated to other nursery providers;

One hundred and twenty staff redundancies across the fourteen nurseries;

Potential for not meeting the sufficiency duty - which requires the council to secure sufficient early years

provision, however currently there is an oversupply of places overall across the city.

Prior to the enactment of final decisions the sufficiency report of March 2018 will need to be revisited in order ensure that the situation with regards to oversupply is up to date as this varies on a termly basis.

Submit to the Quality No

| | |
|---|--|
| Control Officer for Quality Control | SF 29-8-18 |
| Officer comments | Noted comments on race and ethnicity and these figures need to be set in the context of reflecting their overall communities |
| | SF 30-8-18 |
| Decision by Quality Control Officer | Noted additional comments and approved |
| Submit draft to Accountable Officer? | Proceed for final approval |
| Decision by Accountable Officer | No |
| Date approved / rejected by the Accountable Officer | Approve |
| Reasons for approval or rejection | 30/08/2018 |
| Please print and save a PDF copy for your records | LT 30-08-18 |
| | I agree the EA is a fair an honest reflection of the current function and situation. |
| | Yes |

Content Type: Item

Version: 168.0

Created at 30/07/2018 02:51 PM by Morvia Innis

Last modified at 30/08/2018 01:24 PM by Workflow on behalf of Lindsey Trivett